

GRAY L FLOOR AMENDMENT #1

SENATE AMENDMENTS TO H.B. 2727

(Reference to PSHS amendment)

1 Page 1, line 26, strike “has” insert “AND EACH OTHER ADULT MEMBER OF THE HOUSEHOLD
2 HAVE”

3 Page 2, line 1, after “parent” insert “AND EACH OTHER ADULT MEMBER OF THE
4 HOUSEHOLD”

5 Line 3, strike “the prospective adoptive parent” insert “THAT PERSON”

6 Page 10, line 22, strike “If”

7 Line 23, after “home” strike remainder of line

8 Strike line 24

9 Line 25, strike “developmental disabilities, the person who applies for such a
10 license”

11 Lines 27 and 28, strike “or provide to the division documentation of the
12 person’s application for a fingerprint clearance card”

13 Page 16, between lines 5 and 6, insert:

14 “Sec. 10. Section 41-1758.03, Arizona Revised Statutes, is amended to
15 read:

16 41-1758.03. Fingerprint clearance cards; issuance; immunity

17 A. On receiving the state and federal criminal history record of a
18 person, the division shall compare the record with the list of criminal
19 offenses that preclude the person from receiving a fingerprint clearance
20 card. If the person's criminal history record does not contain any of the
21 offenses listed in subsections B and C of this section, the division shall
22 issue the person a fingerprint clearance card.

23 B. A person who is subject to registration as a sex offender in this
24 state or any other jurisdiction or who is awaiting trial on or who has been
25 convicted of committing or attempting, soliciting, facilitating or conspiring
26 to commit one or more of the following offenses in this state or the same or
27 similar offenses in another state or jurisdiction is precluded from receiving
28 a fingerprint clearance card:

29 1. Sexual abuse of a vulnerable adult.

- 1 2. Incest.
- 2 3. First or second degree murder.
- 3 4. Sexual assault.
- 4 5. Sexual exploitation of a minor.
- 5 6. Sexual exploitation of a vulnerable adult.
- 6 7. Commercial sexual exploitation of a minor.
- 7 8. Commercial sexual exploitation of a vulnerable adult.
- 8 9. Child prostitution as prescribed in section 13-3212.
- 9 10. Child abuse.
- 10 11. Abuse of a vulnerable adult.
- 11 12. Sexual conduct with a minor.
- 12 13. Molestation of a child.
- 13 14. Molestation of a vulnerable adult.
- 14 15. A dangerous crime against children as defined in section 13-604.01.
- 15 16. Exploitation of minors involving drug offenses.
- 16 17. Taking a child for the purposes of prostitution as prescribed in
17 section 13-3206.
- 18 18. Neglect or abuse of a vulnerable adult.
- 19 19. Sex trafficking.
- 20 20. Sexual abuse.
- 21 21. Production, publication, sale, possession and presentation of
22 obscene items as prescribed in section 13-3502.
- 23 22. Furnishing harmful items to minors as prescribed in section
24 13-3506.
- 25 23. Furnishing harmful items to minors by internet activity as
26 prescribed in section 13-3506.01.
- 27 24. Obscene or indecent telephone communications to minors for
28 commercial purposes as prescribed in section 13-3512.
- 29 25. Luring a minor for sexual exploitation.
- 30 26. Enticement of persons for purposes of prostitution.
- 31 27. Procurement by false pretenses of person for purposes of
32 prostitution.

1 28. Procuring or placing persons in a house of prostitution.

2 29. Receiving earnings of a prostitute.

3 30. Causing one's spouse to become a prostitute.

4 31. Detention of persons in a house of prostitution for debt.

5 32. Keeping or residing in a house of prostitution or employment in
6 prostitution.

7 33. Pandering.

8 34. Transporting persons for the purpose of prostitution, polygamy and
9 concubinage.

10 35. Portraying adult as a minor as prescribed in section 13-3555.

11 36. Admitting minors to public displays of sexual conduct as prescribed
12 in section 13-3558.

13 37. UNLAWFUL SALE OR PURCHASE OF CHILDREN.

14 38. CHILD BIGAMY.

15 C. A person who is awaiting trial on or who has been convicted of
16 committing or attempting, soliciting, facilitating or conspiring to commit
17 one or more of the following offenses in this state or the same or similar
18 offenses in another state or jurisdiction is precluded from receiving a
19 fingerprint clearance card, except that the person may petition the board of
20 fingerprinting for a good cause exception pursuant to section 41-619.55:

21 1. Manslaughter.

22 2. Endangerment.

23 3. Threatening or intimidating.

24 4. Assault.

25 5. Unlawfully administering intoxicating liquors, narcotic drugs or
26 dangerous drugs.

27 6. Assault by vicious animals.

28 7. Drive by shooting.

29 8. Assaults on officers or fire fighters.

30 9. Discharging a firearm at a structure.

31 10. Indecent exposure.

32 11. Public sexual indecency.

- 1 12. Aggravated criminal damage.
- 2 13. Theft.
- 3 14. Theft by extortion.
- 4 15. Shoplifting.
- 5 16. Forgery.
- 6 17. Criminal possession of a forgery device.
- 7 18. Obtaining a signature by deception.
- 8 19. Criminal impersonation.
- 9 20. Theft of a credit card or obtaining a credit card by fraudulent
10 means.
- 11 21. Receipt of anything of value obtained by fraudulent use of a credit
12 card.
- 13 22. Forgery of a credit card.
- 14 23. Fraudulent use of a credit card.
- 15 24. Possession of any machinery, plate or other contrivance or
16 incomplete credit card.
- 17 25. False statement as to financial condition or identity to obtain a
18 credit card.
- 19 26. Fraud by persons authorized to provide goods or services.
- 20 27. Credit card transaction record theft.
- 21 28. Misconduct involving weapons.
- 22 29. Misconduct involving explosives.
- 23 30. Depositing explosives.
- 24 31. Misconduct involving simulated explosive devices.
- 25 32. Concealed weapon violation.
- 26 33. Possession and sale of peyote.
- 27 34. Possession and sale of a vapor-releasing substance containing a
28 toxic substance.
- 29 35. Sale of precursor chemicals.
- 30 36. Possession, use or sale of marijuana, dangerous drugs or narcotic
31 drugs.
- 32 37. Manufacture or distribution of an imitation controlled substance.

- 1 38. Manufacture or distribution of an imitation prescription-only drug.
- 2 39. Manufacture or distribution of an imitation over-the-counter drug.
- 3 40. Possession or possession with intent to use an imitation controlled
4 substance.
- 5 41. Possession or possession with intent to use an imitation
6 prescription-only drug.
- 7 42. Possession or possession with intent to use an imitation
8 over-the-counter drug.
- 9 43. Manufacture of certain substances and drugs by certain means.
- 10 44. Adding poison or other harmful substance to food, drink or
11 medicine.
- 12 45. A criminal offense involving criminal trespass and burglary under
13 title 13, chapter 15.
- 14 46. A criminal offense under title 13, chapter 23.
- 15 47. Child neglect.
- 16 48. Misdemeanor offenses involving contributing to the delinquency of a
17 minor.
- 18 49. Offenses involving domestic violence.
- 19 50. Arson.
- 20 51. Kidnapping.
- 21 52. Felony offenses involving sale, distribution or transportation of,
22 offer to sell, transport or distribute or conspiracy to sell, transport or
23 distribute marijuana, dangerous drugs or narcotic drugs.
- 24 53. Robbery.
- 25 54. Aggravated assault.
- 26 55. Felony offenses involving contributing to the delinquency of a
27 minor.
- 28 56. Negligent homicide.
- 29 57. Criminal damage.
- 30 58. Misappropriation of charter school monies as prescribed in section
31 13-1818.
- 32 59. Taking identity of another person or entity.

1 60. Aggravated taking identity of another person or entity.

2 61. Trafficking in the identity of another person or entity.

3 62. Cruelty to animals.

4 63. Prostitution.

5 64. Sale or distribution of material harmful to minors through vending
6 machines as prescribed in section 13-3513.

7 65. Welfare fraud.

8 D. A person who is awaiting trial on or who has been convicted of
9 committing or attempting or conspiring to commit a violation of section
10 28-1381, 28-1382 or 28-1383 in this state or the same or similar offense in
11 another state or jurisdiction within five years from the date of applying for
12 a fingerprint clearance card is precluded from driving any vehicle to
13 transport employees or clients of the employing agency as part of the
14 person's employment. The division shall place a notation on the fingerprint
15 clearance card that indicates this driving restriction. This subsection does
16 not preclude a person from driving a vehicle alone as part of the person's
17 employment.

18 E. Notwithstanding subsection C of this section, on receiving written
19 notice from the board of fingerprinting that a good cause exception was
20 granted pursuant to section 41-619.55, the division shall issue a fingerprint
21 clearance card to the person.

22 F. If the division denies a person's application for a fingerprint
23 clearance card pursuant to subsection C of this section and a good cause
24 exception is requested pursuant to section 41-619.55, the division shall
25 release, on request by the board of fingerprinting, the person's criminal
26 history record to the board of fingerprinting.

27 G. A person shall be granted a fingerprint clearance card if either of
28 the following applies:

29 1. An agency granted a good cause exception before August 16, 1999 and
30 no new precluding offense is identified. The fingerprint clearance card
31 shall specify only the program that granted the good cause exception. On the
32 request of the applicant, the agency that granted the prior good cause

1 exception shall notify the division in writing of the date on which the prior
2 good cause exception was granted and the date of the conviction and the name
3 of the offense for which the good cause exception was granted.

4 2. The board granted a good cause exception and no new precluding
5 offense is identified. The fingerprint clearance card shall specify the
6 programs for which the board granted the good cause exception.

7 H. The licensee or contract provider shall assume the costs of
8 fingerprint checks and may charge these costs to persons required to be
9 fingerprinted.

10 I. A person who is under eighteen years of age or who is at least
11 ninety-nine years of age is exempt from the fingerprint clearance card
12 requirements of this section. At all times the person shall be under the
13 direct visual supervision of personnel who have valid fingerprint clearance
14 cards.

15 J. The division may conduct periodic state criminal history records
16 checks for the purpose of updating the clearance status of current
17 fingerprint clearance card holders and may notify the board of fingerprinting
18 and the agency employing the person of the results of the records check.

19 K. The division shall revoke a person's fingerprint clearance card on
20 receipt of a written request for revocation from the board of fingerprinting
21 pursuant to section 41-619.55.

22 L. The division shall not issue a fingerprint clearance card to a
23 person if the division cannot determine, within thirty business days after
24 receipt of the person's state and federal criminal history record
25 information, whether the person is awaiting trial on or has been convicted of
26 committing any of the offenses listed in subsection B or C of this section.
27 If the division is unable to make the determination required by this section
28 and does not issue a fingerprint clearance card to a person, the person may
29 request a good cause exception pursuant to section 41-619.55.

30 M. Except as provided in subsection N of this section, if after
31 conducting a state and federal criminal history record check the division
32 determines that it is not authorized to issue a fingerprint clearance card to

1 a person, the division shall notify the agency that licenses or employs the
2 person that the division is not authorized to issue a fingerprint clearance
3 card. This notice shall include the criminal history information on which
4 the denial was based. This criminal history information is subject to
5 dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

6 N. If, after conducting a state and federal criminal history record
7 check on a person who requests a fingerprint clearance card pursuant to
8 section 15-1881, the division determines that it is not authorized to issue a
9 fingerprint clearance card to the person, the division shall not notify the
10 agency. The division shall notify the person who requested the card that the
11 division is not authorized to issue a fingerprint clearance card.

12 O. The division is not liable for damages resulting from:

13 1. The issuance of a fingerprint clearance card to a person who is
14 later found to have been ineligible to receive a fingerprint clearance card
15 at the time the card was issued.

16 2. The denial of a fingerprint clearance card to a person who is later
17 found to have been eligible to receive a fingerprint clearance card at the
18 time issuance of the card was denied.

19 P. The issuance of a fingerprint clearance card does not entitle a
20 person to employment.

21 Q. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON MAY APPLY FOR AND
22 RECEIVE A LEVEL I FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 41-1758.07
23 TO SATISFY A REQUIREMENT THAT THE PERSON HAVE A VALID FINGERPRINT CLEARANCE
24 CARD ISSUED PURSUANT TO THIS SECTION.”

25 Renumber to conform

26 Page 16, line 27, strike “definition” insert “definitions”

27 Page 25, line 12, strike “OBTAIN A” insert “APPLY FOR AND RECEIVE A LEVEL I”

28 Line 16, after the comma insert “EXCEPT AS PRESCRIBED PURSUANT TO SUBSECTION R
29 OF THIS SECTION,”

30 Line 17, after “A” insert “LEVEL I”; after “SECTION” insert “ALSO”; strike “THE”

31 Strike line 18, insert “A REQUIREMENT THAT THE INDIVIDUAL HAVE A VALID
32 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03.”

1 Page 25, line 25, strike "IS" insert "AND ITS RENEWALS ARE"; strike "PURPOSES"
2 insert "REQUIREMENTS FOR A FINGERPRINT CLEARANCE CARD"

3 Line 28, strike "IS" insert "AND ITS RENEWALS ARE"; after "MEET" insert "ALL
4 REQUIREMENTS FOR A FINGERPRINT CLEARANCE CARD, INCLUDING"

5 Line 29, after "8-509" insert "IF THE CARDHOLDER HAS BEEN CERTIFIED BY THE COURT
6 TO ADOPT OR HAS BEEN ISSUED A FOSTER HOME LICENSE BEFORE THE EFFECTIVE DATE
7 OF THIS SECTION"

8 Page 26, line 1, after "SECTION" strike remainder of line

9 Line 2, strike "FINGERPRINTED PURSUANT TO"

10 Strike lines 3, 4 and 5, insert:

11 "1. "PERSON" MEANS A PERSON WHO IS FINGERPRINTED PURSUANT TO:

12 (a) SECTION 8-105, 8-509, 8-802, 36-594.01, 36-594.02, 41-1964, 41-
13 1967, 41-1967.01, 41-1968, 41-1969 OR 46-141.

14 (b) SUBSECTION O OR Q OF THIS SECTION.

15 2. "RENEWAL" MEANS THE ISSUANCE OF A FINGERPRINT CLEARANCE CARD TO AN
16 EXISTING FINGERPRINT CLEARANCE CARD HOLDER WHO APPLIES BEFORE THE PERSON'S
17 EXISTING FINGERPRINT CLEARANCE CARD EXPIRES."

18 Amend title to conform

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